

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN THE MATTER OF: RESIDENCY OF D. DOE

Decision

Held: Student attending Johnston High School who moved to Cranston during first semester to live with grandmother must enroll in Cranston school system.

Date: April 15, 2010

Introduction

This is a request for a residency determination for school enrollment purposes.¹

Background

Student Doe attends Johnston High School. She is in the 11th grade. Doe and her two siblings moved from Florida to Johnston in 2008 to live with their father and his wife. In September 2009, Doe went to live with her grandmother in Cranston after her father separated from his wife.

School officials learned in January 2010 that Doe was living with her grandmother in Cranston. The Johnston School Committee denied Doe's request to remain at Johnston High School. Doe's grandmother then asked for this residency determination.

Johnston High School is the seventh school Doe has attended. Her sister is a senior at the High School. Doe's mother continues to live in Florida.

Positions of the Parties

Doe has led a very transient life with many family ordeals, but she has managed to stay in school. She is happy attending Johnston High School with her sister, and she wants to graduate from the High School. It is argued that Doe's past and future success in school is more important than school finances, and that Doe's welfare as a student should be considered in applying the law.

The Johnston School Committee argues that the rule of law must control. It is undisputed that Doe moved to Cranston in September 2009. Under Rhode Island General Law 16-64-1, Doe became a resident of Cranston at that time. She was entitled to finish the semester at Johnston, but she must enroll immediately in Cranston.

The Cranston School Committee asserts that it will abide by the Commissioner's decision in this matter and assist in enrolling Doe, if so ordered.

¹ The Commissioner of Education assigned this request to the undersigned hearing officer. A hearing was held on March 12, 2010. The Johnston and Cranston school committees were represented at the hearing.

Discussion

In the case of the Residency of Andrew V.,² we dealt with a student who resided in North Kingstown with his family and attended public school in North Kingstown for 5 years. We found that when Andrew moved to East Greenwich,

the family's circumstances were quite difficult and included the breakup of his parents' marriage. He has been detrimentally affected by the many transitions of the last year, and his mother felt that maintaining him at North Kingstown High School where he has several close friends was in his best interests.³

Applying Rhode Island's school residency law to Andrew's case, we stated that

[a]lthough it is clear that Andrew V.'s best interests would be served by his continued attendance at North Kingstown High School, school residency in Rhode Island is not aligned to the best interests of the student, but rather to the district in which he or she resides. The record in this matter clearly demonstrates that in May of 2000 Andrew and his family moved from North Kingstown and took up residency in East Greenwich. Under our school residency law, his entitlement to continue in attendance at North Kingstown High School extended to the end of school year 1999-2000. While we are appreciative of the family's present circumstances and the fact that Andrew would be well served by finishing his high school career in North Kingstown, any arguments as to flexibility in the terms under which this student would be allowed to continue in attendance, despite his present ineligibility, are more properly presented to the members of the School Committee. We have also implicitly suggested to mother that the importance of school attendance may warrant her relocation back to North Kingstown, if at all possible.⁴

It is undisputed in this case that Doe moved from Johnston to Cranston in September 2009. Under Rhode Island General Law 16-64-8, Doe was allowed to complete the first semester of the 2009-10 school year at Johnston High School. She has no legal entitlement to remain at Johnston High School beyond the first semester. As noted in the Andrew V. case, however, the School Committee has the discretion to allow Doe to continue to attend Johnston High School. We find Doe's case to be sympathetic.

² Commissioner's decision of July 24, 2001.

³ Ibid., p. 2.

⁴ Ibid., p. 3.

Her family life has been unstable. She has experienced numerous disruptions in her education due to circumstances beyond her control. Despite this adversity, she has remained in school and is about to complete her junior year. We do not wish to order yet another change in Doe's enrollment, especially at this critical time in her schooling, but discretion in this matter rests with the Johnston School Committee, not the Commissioner. Under §16-64-1, which we are bound to follow, Doe no longer resides in Johnston. We therefore must order that Doe be enrolled in Cranston, her current residence. Given the late juncture of the school year, this enrollment need not take place immediately. Absent reconsideration by the Johnston School Committee or another change in Doe's residence, Doe must enroll in the district in which she resides, i.e., Cranston, for the 2010-11 school year.

Conclusion

Student Doe became a resident of Cranston in September 2009. Absent further developments in this case, we order that Doe be enrolled in the Cranston school system for the 2010-11 school year.

Paul E. Pontarelli
Hearing Officer

Approved:

Deborah A. Gist
Commissioner of Education

Date: April 15, 2010